

Serial No. 09/863,135

HRT0241

REMARKS

Claims 1, 3-17 and 20 remain in this application. Claims 18 and 19 are cancelled. Claims 1, 3-17 and 20 are amended. Applicants thank the Examiner for the indication that claim 8 would be allowable if rewritten to include the limitations of the base claim and any intervening claims.

not published ✓

The Examiner rejected claims 1-7, 9-17 and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 and 9-18 of U.S. Patent No. 5,807,318. While Applicants do not agree that claim 2 of the application is "anticipated" by claim 2 of the 318 patent, Applicants have nevertheless submitted a terminal disclaimer for the above patent to obviate the rejection, and request the Examiner to withdraw the rejection.

The Examiner rejected claims 1, 5, 13 and 14 under 35 USC § 103(a) as being unpatentable over Wright (U.S. Patent No. 5,135,484) or, in the alternative, Schjeldahl (U.S. Patent No. 4,456,000). Applicants have cancelled claim 2 and have amended claim 1 to add the limitations of claim 2 to claim 1. Applicants have further amended claims 3, 4, 6, 8 and 9 to place them in independent form by adding the elements of claim 1. Applicants submit that claims 1, 3-17 and 20, as amended, are allowable over Wright and Schjeldahl and request that the rejection be withdrawn.

Applicants respectfully request that the Examiner contact the undersigned in the event a discussion would advance the prosecution of this application.

Respectfully submitted,

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